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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,776

09/17/2003

Byung K. Yi

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2956

35884

7590

02/06/2009

LEE, HONG, DEGERMAN, KANG & WAIMEY

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EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

02/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/663,776	<b>Applicant(s)</b> YI, BYUNG K.	
	<b>Examiner</b> Nhon T. Diep	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 75-79,91-93,96,97 and 99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75-79,91-93,96,97 and 99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/08; 10/28/08</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 75-79, 91-93, 96-97 and 99 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 75-79, 91-93, 96-97 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu, in view of Lev et al (US 5,987,327).

Hsu discloses an image icon associated with caller ID comprising the same method for reducing bandwidth in a communications network, comprising:

pre-storing a virtual image in a receiving party terminal that is created by the receiving party (column 6, line 30-43) based on at least one of the receiving party's prior knowledge of a calling party or the receiving party's his/her own perception of the calling party (caller ID); displaying the virtual image on the receiving party called party terminal when a call is received from a terminal of the calling party (col. 4, ln. 3-16); and selecting at least one format for transmitting media information from the calling party terminal (col. 3, ln. 2-6 and col. 4, ln. 54-63) as specified in claim 75; determining an identity of the calling party when the call is received, and retrieving the pre-stored virtual image in response to the determined identity (col. 4, ln. 3-6) as specified in claim 76;

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wherein said determining is performed based on caller identification information associated with the call (col. 4, ln. 3-6) as specified in claim 77; wherein said displaying step further comprises displaying the virtual image on the receiving party terminal during an idle period when no media information is received from the calling party terminal (col. 4, ln. 38-41, only phone # is received, no media information is received within this ringing period) as specified in claim 78; wherein said displaying step includes: further comprises displaying the virtual image on the receiving party terminal during a period when only voice information is received from the calling party terminal (col.4, ln. 17-20) as specified in claim 79; wherein the selected at least one format for transmitting the media information comprises at least one of the following: (a) streaming video, (b) short-time video script, (c) a still image, and (d) a virtual image created by the calling party (col. 3, ln. 2-6 and col. 4, ln. 54-63) as specified in claim 91; wherein the receiving party selects the at least one format for transmitting the media information (col. 3, ln. 2-6 and col. 4, ln. 54-63: still image) as specified in claim 93; wherein the virtual image created by the calling party comprises an avatar (col. 2, ln. 5-13: fanciful or humorous images) as specified in claim 96; and wherein the calling party selects the at least one format for transmitting the media information (col. 3, ln. 2-6 and col. 4, ln. 54-63: at least still image) as specified in claim 99. It is noted that Hsu does not particularly disclose:

a. the entire pre-stored virtual image being created by the receiving party as specified in claim 75; and

b. wherein the calling party and the receiving party negotiate the selection of the at least one format for transmitting the media information as specified in claim 94; and

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wherein the calling party or the receiving party can unilaterally change the selected format for transmitting the media information as specified in claim 75.

With regard to a: Since Hsu teaches the user of the system (receiving party) can make other refinements to the display and processing of the image icon and that additional information in the forms of images, text, numbers, etc can be provided with the display of the image icon. And, therefore, it would have been obvious that the user of the system, by applying the same, known refinement technique to a known device ready for improvement to create the entire virtual image based on his/her knowledge about the calling party.

With regard to b: Lev et al teaches that “the ANS includes a negotiated information transfer rate and a communication path identifier. The negotiated information transfer rate reflects the minimum bandwidth requirements for the called party to complete the service. In the preferred embodiment, the negotiated information transfer rate will indicate a bandwidth requirement less than the full possible bandwidth when the call is a mobile-to-mobile call.” (col. 6, ln. 4-32). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Hsu by allowing the negotiation between the calling party and the called party to ensure bandwidth allocation is proper for the transferring of media information and further more, the calling party would unilaterally decides on the minimum bandwidth requirement so as to complete the service (notice that in figure 3, steps 205, 206, 209, 216, if there no agreement, the message with regarding the bandwidth is being sent out (unilaterally change); and it is further noted that the limitation

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of wherein the calling party **or** the receiving party can unilaterally change the selected format for transmitting the media information, and because the limitation is interpreted as that both the calling party and the receiving party can unilaterally change the selected format, therefore, the system is interpreted broadly as capable of a bi-laterally changing the format.)

Regarding to claims 92 and 97: it is noted that Hsu does not particularly discloses wherein an identification of the selected at least one format for transmitting the media information is stored in association with calling party identification information, and determined at the receiving party terminal as specified in claim 92; and wherein the identification is provided to the calling party and the receiving party as specified in claim 97. Since Hsu teaches many format for transferring data as conformed to ITU-T standards including H.320, H.323, H.324, and T.120 and in some instances, composite video information from external cameras and still camera images are wirelessly transferred. Therefore, it would have been obvious that any chosen format of the calling party for transmitting the media information to the receiving party (col. 2, ln. 16-18) must be agreed in advance by both parties or any new transferring format must be identified in association with the calling party to successfully communicate with the receiving party.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ND

/Nhon T Diep/  
Primary Examiner, Art Unit 2621